



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Mr. Timothy Tarpley
885 Lovell Lake Road
Sanbornville, NH 03872

LETTER OF DEFICIENCY
SP-2001-020
August 8, 2001

Dear Mr. Tarpley

On August 3, 2001, personnel from the Department of Environmental Services, Water Division ("DES") conducted a site inspection of your property identified as Sanbornville Tax Map 20, Lot# 82, Rt 109, Lovell Lake, Sanbornville, New Hampshire. The purpose of this site inspection was to determine compliance with RSA 483-B; the Comprehensive Shoreland Protection Act ("CSPA") and RSA 482-A, the New Hampshire Wetlands Law. During the inspection the following deficiencies were noted:

A deck structure measuring approximately 385 square feet has been constructed in the bank and over the water of Lovell Lake.

Several stumps were removed within 50 feet of the reference line of Lovell Lake.

- 3 Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and ground covers was not left in place over an area measuring approximately 3,500 square feet.
4. Disturbed soils were present without erosion controls in place.

DES has no record of a permit for the impacts to wetland and shoreland jurisdiction. In order to obtain restoration of the Property, you are requested to take the following actions:

Within 48 hours of receipt of this notice, erosion controls should be installed.

2. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES

The restoration plan should include provisions for the removal of the deck, replacement of vegetation and restoration of the natural shoreline of Lovell Lake. Please submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions,
 - ii. proposed conditions after removal of the deck and restoration with native vegetation.

- b. A detailed description of the proposed means of erosion and sediment controls and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. A plantings plan showing the number, type of plant species, proposed location of plantings, and diameters of the plant species at breast height. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species.
- d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statutes and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A or RSA 483-B will result in enforcement by DES, including but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds in an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley
Shoreland Compliance Coordinator
NHDES
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions please contact Allyson Gourley at (603) 271-6876.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL

Enclosures

cc: ~~Gretchen C. Rule, Enforcement Coordinator-DES~~
Russell A. Nylander, P.E., Chief Engineer-WD/DES
Shoreland Program-NHDES
Sanbornville Conservation Commission
Sanbornville Board of Selectmen
Sanbornville Building Department